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Via Email – bhoran@law.nyc.gov

New York City Law Department
Affirmative Litigation Division
100 Church Street, Rm. 20-104
New York, New York 10007
Attn: Brian Horan, Esq.
Assistant Corporation Counsel

October 14, 2011

Re: OTR Media Group, Inc.
Bankr. Case No. 1-11-47385
OTR Media Group, et al vs.
The City of New York
Adv. Pro. No. 1-11-01448(ess)

Dear Mr. Horan,

On October 11, 2011 at approximately 8:36 p.m., the City of New York (“City” or “Defendant”) filed a motion styled as “Motion to Dismiss/Withdraw Stipulation and Order entered 9/2/2011” (the “Motion”). [See ECF No. 16]. The notice of motion (the “Notice”) provides, *inter alia*, that the hearing on the Motion is returnable on October 25, 2011 and objections to the Motion are due October 18, 2011. Service of the Motion was made upon my office by e-mail at 8:40 p.m. on October 11, 2011.

I write to advise you that the Motion is defective for at least two (2) reasons. First, the scheduling of the Motion for October 25, 2011 contravenes Local Bankruptcy Rule 9006-1(a)(i) which requires that service of a motion be made at least fourteen (14) days prior to the hearing date. Under Local Rule 9006-1(c), the fourteen day period referenced above is enlarged by one (1) day where, as here, service was made by e-mail. Applying these guidelines here, the earliest that the Motion could be heard is October 26, 2011.

Second, the Motion is defective because the City has failed to give sufficient time for Plaintiffs to respond. Here, notwithstanding what has been provided in the Notice, responsive papers are due at least 7 days before the hearing date. *See* Local Bankruptcy Rule 9006-1(a)(ii). In this case, the Plaintiffs’ papers must be filed by local rule no later than October 17, 2011. In order to timely meet the filing deadline, Plaintiffs would have but 5 days to respond, two (2) of which fall on a weekend. Consequently, the Notice does not provide sufficient time for Plaintiffs to respond.



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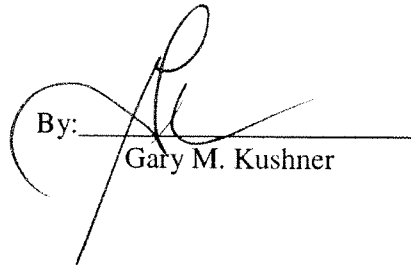
Re: OTR Media Group, Inc.

I would be remiss if mention was not specifically made that at the last hearing before the Bankruptcy Court on September 28, 2011, your colleague, Alan Kleinman solemnly pledged that he would never practice in a manner which interfered with a colleague's religious observation. Yet, the filing of the Motion and the scheduling chosen by the City does just that. Mr. Kleinman knew, as did you, that between the last hearing on September 28, 2011 and the next hearing on October 25, 2011 – there were no less than three (3) religious holidays which are diligently observed by my litigation partner, Ron Coleman and my client, and to a somewhat lesser degree, by me.

Therefore, I respectfully ask that you reconsider the present scheduling of the Motion. Please advise immediately so that I know whether or not it will be necessary to raise this issue directly with the Court.

Very truly yours,

GOETZ FITZPATRICK LLP

By:  Gary M. Kushner

GMK/rrg

cc: Ari Noe

Michael Eisenberg

Ronald Coleman, Esq.

Ariel Holzer, Esq.